

REMARKS

Claims 1-18 and 22-26 are pending. A Non-Final Office Action mailed May 13, 2005 rejected Claims 1-18 and 22-26 under 35 U.S.C. § 112 and Claims 1-18 and 22-26 under 35 U.S.C. § 102. By way of this amendment, Applicant hereby cancels Claims 4 and 11 and amends Claims 1, 6, 7, 8, 12, 17, 22, and 26. Applicant therefore respectfully requests reconsideration of the application.

REJECTION OF CLAIMS 1-18, AND 22-26 UNDER 35 U.S.C. § 112

Claims 1-3, 5-10, 12-18 and 22-26 are currently amended in such away that they do not constitute a negative limitation and therefore are not new matter.

REJECTION OF CLAIMS 1-18, AND 22-26 UNDER 35 U.S.C. § 102(e)

Claims 1-3, 5-10, 12-18 and 22-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lancaster et al (Lancaster), US 6,229,546, 8 May 2001. In regards to claim 1, the Office Action states in pertinent part that Lancaster teaches a method directed to elevation data available over the web, which is extracted in a response to a request. Further, Lancaster transforms the extracted terrain data into an intermediate format extracted from the user query. The response to the query can be stored as specified by the requestor. With regard to the above-amended independent claims, Applicants respectfully traverse this rejection.

Applicants submit that Lancaster relates to a system to develop a 3-D world model in VRML format [col. 2 lines 38-46; col. 3 lines 12-15]. Further Lancaster teaches or suggests a user driven process of generating a 3-D world model. This client side system does not teach or suggest “*receiving a request at a server.*” When generating a 3-D model Lancaster generates 3-D objects, and uses an intermediate database to accomplish this step. [col. 5 lines 5-14]. Moreover, Lancaster is only concerned with a location parameter when generating a 3-D image, it does not teach or suggest: “*with parameters indicating location and at least one of the size, resolution,*

and type of terrain data required.” [col. 5 lines 35-39] Lancaster teaches the ability to save a VRML file on a personal computer and furthermore the ability to save personal preferences on the same hard drive, but does not teach or suggest “*sending the formatted terrain elevation to one of the multiple requestor devices.*” Further, Lancaster states the importance and usefulness of the invention is to grant access to real geographic information in 3-D when needed by someone developing a 3-D world model. Finally, Lancaster does not teach or suggest a system for processing server requests because Lancaster relies on the internet.

Therefore, Applicants submit that independent Claim 1 is allowable over Lancaster. Applicants submit that independent Claims 8, 13, 17, 22, and 26 are allowable over the cited reference for similar reasons as Claim 1. Because Claims 2, 3, 5-7, 9-10, 12, 14-16, 18, and 23-25 depend from allowable independent claims, they are allowable for the same reasons that make their corresponding independent claims allowable.

Applicants submit that Claim 2 is allowable for the following additional reason. The Office Action recites that “the user control of at least vertical exaggeration [col. 3, line 49] and geographical corner bounds [col. 3, lines 44-45]” is grounds for rejection of Claim 2.

Applicants submit that first, vertical exaggeration, as defined by GeoSpatial Training and Analysis means: the vertical scale is larger than your horizontal scale (in the example you could use one inch is equal to 1000 ft. for your vertical scale, while keeping the horizontal scale the same). Vertical exaggeration is often used if someone wants to discern subtle topographic features or if the profile covers a large horizontal distance (miles) relative to the relief (feet). Thus, Applicants submit that Lancaster fails to teach or suggest “*scaling the extracted terrain elevation information*”, and further teaches away because Lancaster refers to the programming nuances of a 3-D virtual reality program. Also, the term “geographical corner bounds” only limits the 3-D world requested to a location.

Therefore, Applicants submit that Claim 2 is allowable for this additional reason.

CONCLUSION

Applicants respectfully submit that all of the claims of the pending Application are now in condition for allowance over the cited reference. Accordingly, Applicants respectfully request withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicants' agent listed below.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/12/05
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Michelle J. Carman